

House File 67

HOUSE FILE _____
BY HUSER and RAECKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to electioneering communications and requiring
2 reports to be filed by persons making these communications and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1185YH 82
6 jr/gg/14

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1 1 Section 1. NEW SECTION. 68A.401A ELECTIONEERING
1 2 COMMUNICATIONS.
1 3 1. "Electioneering communication" means any communication
1 4 that refers to a clearly identified candidate for elected
1 5 public office, if the communication does all of the following:
1 6 a. Has the effect of encouraging or discouraging a vote
1 7 for the candidate, regardless of whether the communication
1 8 expressly advocates a vote for or against the candidate.
1 9 b. Can be received by five thousand or more persons who
1 10 are eligible to vote in the election for that public office.
1 11 c. Is made within sixty days before a general or special
1 12 election for the public office sought by the candidate, or
1 13 thirty days before a primary election for the office sought by
1 14 the candidate.
1 15 2. An organization that engages in electioneering
1 16 communications shall be designated as an electioneering
1 17 committee.
1 18 3. An electioneering committee shall file a statement of
1 19 organization with the board prior to making an electioneering
1 20 communication. The statement of organization shall contain
1 21 all of the following information:
1 22 a. The name, purpose, mailing address, telephone number,
1 23 and internet site or e-mail, if available, of the
1 24 electioneering committee.
1 25 b. The name and mailing address of the chair and treasurer
1 26 of the electioneering committee.
1 27 c. Such other information as may be required by rules
1 28 adopted pursuant to this chapter.
1 29 4. An electioneering committee shall file a report with
1 30 the board within forty-eight hours of making an electioneering
1 31 communication. Reports filed under this section shall be
1 32 filed using the board's electronic filing system. The report
1 33 shall include all of the following:
1 34 a. The name and mailing address of each person who gave a
1 35 contribution or contributions of money to the electioneering
2 1 committee if the aggregate amount exceeds twenty-five dollars
2 2 in a calendar year and the contribution or contributions of
2 3 money were used for electioneering communications in this
2 4 state.
2 5 b. The name and mailing address of each person who gave an
2 6 in-kind contribution or contributions to the electioneering
2 7 committee if the aggregate fair market value exceeds
2 8 twenty-five dollars in a calendar year and the in-kind
2 9 contribution or contributions were used for electioneering
2 10 communications in this state.
2 11 c. The name and mailing address of each person who gave a
2 12 loan to the electioneering committee in an amount greater than
2 13 twenty-five dollars, together with the name and mailing
2 14 address of the lender and any endorser, the date and amount of
2 15 each loan received, and the date and amount of each loan
2 16 repayment made or to be made. Loans received and loan
2 17 repayments shall be reported on a separate schedule. This
2 18 paragraph shall apply only to loans that were used for
2 19 electioneering communications in this state.

2 20 d. The name and mailing address of each person to whom
2 21 disbursements or loan repayments have been made by the
2 22 electioneering committee in this state and the amount,
2 23 purpose, and date of each disbursement except that
2 24 disbursements of less than five dollars may be shown as
2 25 miscellaneous disbursements as long as the aggregate
2 26 miscellaneous disbursements to any one person during a
2 27 calendar year do not exceed one hundred dollars.

2 28 e. The amount and nature of debts and obligations owed by
2 29 the electioneering committee for electioneering communications
2 30 in this state.

2 31 f. Other pertinent information required by this chapter,
2 32 by rules adopted pursuant to this chapter, or by forms
2 33 prescribed by the board.

2 34 5. This section shall not apply to any of the following:

2 35 a. A communication appearing in a news story, commentary,
3 1 or editorial distributed through a media organization, unless
3 2 such organization is owned or controlled by a political party,
3 3 political committee, or candidate.

3 4 b. A communication that constitutes a candidate debate or
3 5 forum conducted pursuant to rules adopted by the board, or
3 6 that solely promotes such a debate or forum and is made by or
3 7 on behalf of the person sponsoring the debate or forum.

3 8 c. Activities by political committee or a committee
3 9 registered under this chapter.

3 10 d. Express advocacy communications.

3 11 6. The board shall adopt rules pursuant to chapter 17A to
3 12 administer this section.

3 13 7. The penalty set out in section 68A.701 does not apply
3 14 to a violation of this section.

3 15 EXPLANATION

3 16 This bill relates to the campaign activity known as
3 17 electioneering communications. The term is defined as a
3 18 communication that refers to a clearly identified candidate
3 19 for state or local public office which has the effect of
3 20 encouraging or discouraging a vote for that candidate. The
3 21 term applies only to communications that can be received by
3 22 5,000 or more persons who are eligible to vote in the election
3 23 for that office and is made within 60 days before a general or
3 24 special election for the office sought by the candidate, or 30
3 25 days before a primary election for the office sought by the
3 26 candidate.

3 27 The bill requires that any organization that engages in
3 28 electioneering communications must file a statement of
3 29 organization with the ethics and campaign disclosure board
3 30 prior to making any electioneering communication. The report
3 31 requires a variety of information including the name and
3 32 mailing address of each person who gave a contribution or
3 33 contributions of money or in-kind contributions to the
3 34 electioneering committee if the aggregate amount or fair
3 35 market value exceeds \$25 in a calendar year.

4 1 The criminal penalty normally associated with violations of
4 2 Code chapter 68A is made inapplicable to violations of the
4 3 bill. A variety of civil remedies for a violation are
4 4 available in Code section 68B.32D, ranging from a reprimand to
4 5 a civil penalty of not more than \$2,000.

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